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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,105	01/11/2001	Robert C. Dorr	1420/6(a)	1837

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DENVER, CO 80206

EXAMINER
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RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/759,105	DORR, ROBERT C.	
	Examiner	Art Unit	
	Rob Rhode	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 & 12 - 19 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 & 12 - 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

Applicant amendment of 3-10-04 amended claims 1, 10 and 19 and cancelled claim 11 as well as traversed rejections of Claims 1 - 19.

Currently, claims 1- 10 and 12 - 19 are pending.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For example, the applicant calls out "comparing in the computer of the bidder the obtained processor time to the obtained official time". In that regard, it is not clear nor does the specification describe in such way as to enable one skilled in the art to enable and/or make technically the - "comparing". The specification at page 7, lines 11 – 14 only describe a "compare" and does not in any fashion meet the test of providing any understanding of the underlying techniques as well as technology to enable the

method step of "comparing" as well as the "determining" and how the invention carries out/performs - to enable the "comparing" as well "determining".

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1 for example, the word "comparing" is a relative word, which renders the claims indefinite. The word "comparing" is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For examination purposes, the word "comparing" will be treated as meaning synchronization.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 13 as well as 14 – 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has cancelled claim 11 from which claims 12 and 13 depend and therefore these claims are indefinite.

For examination purposes, claims 12 and 13 will be considered as dependent from claim 10. With regard to claims 14 – 17, these claims depend from claim 13, which is indefinite. Therefore, claims 14 – 17 are indefinite. For examination purposes, claims 14 – 17 will be considered to be dependent from claim 10.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over AuctionTamer screen prints captured via the WayBackMachine (archive.org) and hereafter referred to as “Tamer” in view of Bloomfield (US 6,141,008).**

Regarding claim 1 (currently amended) and related claims 10 and 19 (currently amended), Tamer teaches a method for displaying time left for an on-line auction of an item conducted by an on-line auction service in a computer of a bidder, said method comprising the steps of: obtaining the official auction time for said on-line auction in the computer of the bidder from said on-line auction service, obtaining the auction time left for said item in the computer of the bidder from said on-line auction service (Page 3), comparing (i.e. synchronizing) in the computer of the bidder the obtained processor time to the obtained official auction time (Page 3 & 6), determining in the computer of the bidder the processor time left for said item in said on-line auction based on the

processor time in response to the comparing step and said obtained auction time left (Page 3 & 6), displaying in the computer of the bidder the processor time left for said item (Page 6).

However, Tamer does not specifically disclose and teach obtaining the processor time in the computer of the bidder (see at least Abstract and Figure 5).

On the other hand, Bloomfield teaches obtaining the processor time in the computer of the bidder (see at least Abstract and Figure 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Tamer with the method of Bloomfield to have enabled a method for displaying time left for an on-line auction of an item conducted by an on-line auction service in a computer of a bidder comprising the steps of obtaining the processor time in the computer of the bidder, obtaining the official auction time for said on-line auction in the computer of the bidder from said on-line auction service, obtaining the auction time left for said item in the computer of the bidder from said on-line auction service, comparing in the computer of the bidder the obtained processor time to the obtained official auction time, determining in the computer of the bidder the processor time left for said item in said on-line auction based on the processor time in response to the comparing step and said obtained auction time left, displaying in the computer of the bidder the processor time left for said item – in order to provided a trust worthy and

easily identified and initiated method and system to display the time remaining of distant auctions. Bloomfield discloses a method for obtaining the processor time in the users computer, which is applicable to all online applications such as Auctions (Figure 5). Tamer discloses a obtaining official time left of the online auction, comparing the obtained time remaining with the processor time as disclosed by Bloomfield and determining the time left in the auction and displaying time remaining left in the auction in sync with the users processor/cpu clock (Page 6). Therefore, one of ordinary skill in the art would have been motivated to combine the method of Bloomfield with the method of Tamer to have provided a trust worthy and easily identified and initiated method and system to display the time remaining of distant auctions – synchronized with and displaying via the users processor clock. In this regard, the individual using the auction would have been provided with an easy to use and easy to initiate time display. Moreover, the individual user can trust that time remaining is displayed as current local/cpu time in order to ensure that they do not miss the closing time of the auction and possibly not be able to participate appropriately. Thereby their satisfaction will be significantly enhanced and thereby will improve the probability that they will use the auction site more often as well as recommend the online auction site to others.

**Claims 2 – 9 and 12 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tamer and Bloomfield as applied to claims 1 and 10 above, and further in view of Nguyen (US 6,412,021 B1).**

The combination of Bloomfield and Tamer substantially discloses and teaches the applicant's invention.

However, the combination does not specifically disclose and teach wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the graphical icon is a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said on-line auction as well as wherein the step of displaying includes providing a plurality of graphical icons, each of said plurality of graphical icon corresponding to a predetermined time period.

Regarding claim 2 and related claim 11, Nguyen teaches a method wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon (Col 13, lines 24 – 28) and (3 and related claim 12) wherein the graphical icon is a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said on-line auction (Col 13, lines 24 –28) as well as (4 and related claim 13) wherein the step of displaying includes providing a plurality of graphical icons, each of said plurality of graphical icon corresponding to a predetermined time period (Col 13, lines 24 – 28). Please note that Nguyen does not specifically disclose multiple graphical icons - corresponding to a predetermined time period. However Nguyen as with other icon generation capable methods, is not limited



to just one icon representation. Rather, Nguyen can generate multiple icons, which can be represent different topics or times associated with a designated event or time increment and include a clock.

Regarding claim 5 and related claim 14, the recitation that "wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 60 minutes", such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other "a plurality of graphical icons corresponding to predetermined time periods" already disclosed by Nguyen.

Regarding claim 6 and related claim 15, the recitation that "wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 30 minutes", such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other "a plurality of graphical icons corresponding to predetermined time periods" already disclosed by Nguyen.

Regarding claim 7 and relegated claim 16, the recitation that "wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 10 minutes", such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant

invention from the other "a plurality of graphical icons corresponding to predetermined time periods" already disclosed by Nguyen.

Regarding claim 8 and related claim 17, the recitation that "wherein said plurality of graphical icon includes a first graphical icon corresponding to a predetermined time period of 60 seconds", such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other "a plurality of graphical icons corresponding to predetermined time periods" already disclosed by Nguyen.

Regarding claim 9 and related claim 18, Nguyen teaches a method further including the steps of: providing an icon during said on-line auction, clicking on the icon to activate the displaying of time left (Col 13, lines 24 –28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Bloomfield and Tamer with the method of Nguyen to enable the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the graphical icon is a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said on-line auction as well as wherein the step of displaying includes providing a plurality of graphical icons, each of said plurality of

graphical icon corresponding to a predetermined time period – in order to have the ability to display for the users in a clock icon, increments of time remaining in the auction. The combination of Bloomfield and Tamer disclose a method for providing a trust worthy and easily identified and initiated method and system to display the time remaining of distant auctions – synchronized with and displaying via the users processor/cpu clock. Nguyen teaches a method of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the graphical icon is a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said on-line auction (Abstract). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Bloomfield and Tamer with Nguyen to disclose a method of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the step of displaying includes the step of visually counting down the time left in at least one graphical icon and wherein the graphical icon is a clock face having an indicator moving in a direction towards zero wherein zero corresponds to the end of said on-line auction. In that regard, the user can have time increments established with several icons representing remaining time periods and click on each as required. In that regard, the user interface is easier and timelier, which will increase the satisfaction of the participants with the online auction site. Indeed with increased satisfaction, the probability that the user will return is increased for participating in additional auctions as well as recommends the site to others.

***Response to Arguments***

Applicant's arguments with respect to claims 1 - 19 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

Alexandria, Va. 22313-1450

or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

Application/Control Number: 09/759,105  
Art Unit: 3625

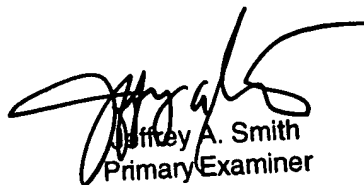
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**(703) 746-7418** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RER



Jeffrey A. Smith  
Primary Examiner